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Attorney for Plaintiff  
*DONALD BLESSING*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DONALD BLESSING,

Plaintiff,

v.

HARRIS & HARRIS, LTD,

Defendant.

Civil Action No.: \_\_\_\_\_

**COMPLAINT**

For this Complaint, Plaintiff DONALD BLESSING, by undersigned  
counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's violations of the Fair Debt  
Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA") in Defendant's  
illegal efforts to collect a consumer debt and jurisdiction is therefore proper in this  
Court pursuant to 28 U.S.C. § 1331.

1           2.     This action is also brought under Nevada Revised Statutes Chapter  
2     598 *et seq.* (“NRS 598”) and Nevada Revised Statutes Chapter 41.600 *et seq.*  
3     (“NRS 41.600”) for Defendant’s deceptive trade practices as further described  
4     herein.  
5

6           3.     Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.  
7

8           4.     Venue is proper in the U.S. District Court for the District of Nevada  
9     pursuant to 28 U.S.C. § 1391(b), as Defendant transacts business in the State of  
10    Nevada.  
11

### 12                           **PARTIES**

13          5.     Plaintiff DONALD BLESSING (“Plaintiff”), is an adult individual  
14     residing in Las Vegas, Nevada, and is a “consumer” as the term is defined by 15  
15     U.S.C. § 1692a(3).  
16

17          6.     At all times relevant herein, Plaintiff was over the age of sixty (60)  
18     and was an “Older person” as that term is meant pursuant to Nevada Revised  
19     Statutes (NRS) 41.1395(4)(d).  
20

21          7.     Defendant HARRIS & HARRIS, LTD. (“H&H”), is doing business  
22     in the State of Nevada as a business entity operating as a collection agency, and is  
23     a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).  
24

### 25                           **H&H’s Violations of the FDCPA**

26          8.     On or about April 29, 2010, Plaintiff filed for Bankruptcy in the  
27

1 United States Bankruptcy Court for the District of Nevada. Plaintiff's case was  
2 assigned case number 10-17722-bam (the "Bankruptcy").  
3

4 9. At the time the Bankruptcy was filed, Plaintiff owned real property  
5 located at 1729 Brookdale Drive, Canton, MI 48188 ("Property"). Plaintiff  
6 surrendered the Property in the Bankruptcy. *See* Statement of Intention,  
7 Bankruptcy ECF No. 1.  
8

9 10. On or about August 9, 2010, Plaintiff received a Bankruptcy  
10 discharge. *See* Bankruptcy ECF No. 23.  
11

12 11. Accordingly, Plaintiff was discharged of any liability regarding the  
13 Property, and could not incur further tax liability.  
14

15 12. However, H&H contacted Plaintiff via telephone multiple times more  
16 than nine years after Plaintiff surrendered the property, attempting to collect a debt  
17 related to the property which came due after the Bankruptcy and for which Plaintiff  
18 has no liability. In its telephone calls, H&H has demanded Plaintiff make  
19 payments to it, threatening to garnish his wages if he did not.  
20

21 **H&H's Violations of NRS 598 et seq**

22 13. Nevada Revised Statutes 598 governs deceptive trade practices in  
23 Nevada.  
24

25 14. Pursuant to NRS 598.0915(15):  
26  
27

A person engages in a “deceptive trade practice” if, in the course of his or her business or occupation, he or she:

...

(15) Knowingly makes any other false representation in a transaction.

15. Further, NRS 598.092(8) states

A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she:

(8) Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

16. In the instant case, H&H made numerous false representations in an attempt to collect a debt from Plaintiff.

17. Specifically, H&H attempted to collect a debt Plaintiff simply did not owe and could not be asserted against the Plaintiff.

18. Additionally, since Plaintiff is an “Older person” pursuant to Nevada Revised Statutes (NRS) 41.1395(4)(d), H&H’s conduct violated NRS 41.1395. Plaintiff is thus entitled to twice actual damages from Harris as a result of its conduct.

19. Upon information and belief, H&H was aware of Plaintiff’s age at all times herein and the fact that he was more susceptible to being induced to pay a debt which was not legally owed by him. The Plaintiff is specifically the type of person 41.1395 seeks to collect from deceptive and false schemes, such as those

1 employed by H&H to obtain an unwarranted benefit through false and deceptive  
2 means.

3  
4 20. Plaintiff is also an “Older person” as defined by NRS 598.0933.  
5 H&H’s conduct thus violated NRS 598.0973, and Plaintiff is entitled to \$12,500.00  
6 in statutory damages for H&H’s conduct.

7  
8 21. H&H’s actions violated NRS 598.0973 as H&H:

- 9 a. knew Plaintiff was a “elderly person”;
- 10 b. engaged in conduct in disregard of Plaintiff’s rights by seeking to  
11 collect monies knowingly not owed;
- 12 c. knew or should have known that its conduct was directed toward an  
13 elderly person (Plaintiff);
- 14 d. knew Plaintiff was more vulnerable to H&H’s conduct because of his  
15 age, health, infirmity, and/or impaired understanding;
- 16 e. caused Plaintiff to suffer actual and substantial physical, emotional or  
17 economic damage as discussed herein and to be set forth more fully at  
18 trial;
- 19 f. caused Plaintiff to suffer mental anguish; and also
- 20 g. caused Plaintiff to suffer emotional anguish.
- 21  
22  
23  
24

25 **Plaintiff Suffered Actual Damages**

26 22. Plaintiff has suffered and continues to suffer actual damages as a  
27

1 result of H&H's unlawful conduct.

2 23. As a direct consequence of H&H's acts, practices and conduct,  
3 Plaintiff suffered and continues to suffer from humiliation anger, anxiety,  
4 emotional distress, frustration, and loss of sleep, as well as out of pocket expenses  
5 in traveling to his attorney's office to rectify H&H's conduct.  
6

7  
8 **COUNT I**  
9 **VIOLATIONS OF THE FDCPA - 15 U.S.C. § 1692, et seq.**  
10

11 24. Plaintiff incorporates by reference all of the above paragraphs of this  
12 Complaint as though fully stated herein.

13 25. H&H's conduct violated 15 U.S.C. § 1692e in that H&H engaged in  
14 false, deceptive, or misleading behavior in connection with the collection of a debt.  
15

16 26. H&H s conduct violated 15 U.S.C. § 1692e(2) in that Defendant  
17 misrepresented the amount owed by Plaintiff and attempted to have Plaintiff pay  
18 more than owed.  
19

20 27. H&H's conduct violated 15 U.S.C. § 1692e(5) in that H&H  
21 threatened to take action against Plaintiff which it could not legally take or did not  
22 intend to take in collection of a debt.  
23

24 28. H&H's conduct violated 15 U.S.C. § 1692e(10) in that H&H  
25 employed various false representations and deceptive means to collect a debt.  
26

27 29. The foregoing acts and omissions of H&H constitute numerous and

1 multiple violations of the FDCPA, including every one of the above-cited  
2 provisions.

3  
4 30. Plaintiff is entitled to damages as a result of H&H's violations.

5 31. Plaintiff has been required to retain the undersigned as counsel to  
6 protect his legal rights to prosecute this cause of action, and is therefore entitled to  
7 an award or reasonable attorneys' fees plus costs incurred.  
8

9 **COUNT II**  
10 **VIOLATIONS OF NRS 598 ET SEQ**

11 32. Plaintiff repeats and realleges the above paragraphs of this Complaint  
12 and incorporates them herein by reference.  
13

14 33. H&H violated the provisions of NRS 598 *et seq* cited above. As a  
15 result, H&H is liable to Plaintiff for any damages Plaintiff suffered as a result of its  
16 conduct.  
17

18 34. H&H caused Plaintiff to suffer injuries as a result of its illegal  
19 conduct; specifically, emotional and economic distress.  
20

21 35. H&H's actions were willful and unjustified and resulted in injuries  
22 and mental anguish to the Plaintiff.

23 36. As a direct consequence of H&H's acts, practices, and conduct,  
24 Plaintiff suffered and continues to suffer from anger, anxiety, emotional distress,  
25 frustration, and loss of sleep.  
26  
27

1           37. As a direct and proximate result of H&H's wrongful conduct, Plaintiff  
2 has therefore suffered damages.  
3

4                                   **COUNT III**  
5                                   **VIOLATIONS OF NRS 41.1395**

6           38. Plaintiff repeats and realleges the above paragraphs of this Complaint  
7 and incorporates them herein by reference.  
8

9           39. Plaintiff is an "older or vulnerable" person as defined by NRS  
10 41.1395.  
11

12           40. H&H caused Plaintiff to suffer injuries as a result of its illegal  
13 conduct; specifically, Plaintiff suffered emotional and economic distress as set  
14 forth herein.  
15

16           41. H&H's actions were willful and unjustified, and resulted in injuries  
17 and mental anguish (among other injuries) to Plaintiff.  
18

19           42. Specifically, as a direct consequence of H&H's acts, practices, and  
20 conduct, Plaintiff suffered and continues to suffer from anger, anxiety, emotional  
21 distress, frustration, and loss of sleep.  
22

23           43. As a direct and proximate result of H&H's wrongful conduct, Plaintiff  
24 has therefore suffered damages.  
25  
26  
27



**COUNT IV**  
**VIOLATIONS OF NRS 598.0973**

44. Plaintiff repeats and realleges the above paragraphs of this Complaint and incorporates them herein by reference.

45. Plaintiff is an "older or vulnerable" person as defined by NRS 598.0933. Therefore, H&H engaged in a "deceptive trade practice directed toward elderly person".

46. H&H caused Plaintiff to suffer injuries as a result of its illegal conduct; specifically, Plaintiff suffered emotional, economic distress and other losses as set forth above and to be further proved at trial.

47. H&H's actions were willful and unjustified, and resulted in actual injuries and mental anguish to Plaintiff.

48. Specifically, as a direct consequence of H&H's acts, practices, and conduct, Plaintiff suffered and continues to suffer from anger, anxiety, emotional distress, frustration, and loss of sleep.

49. As a direct and proximate result of H&H's wrongful conduct, Plaintiff has therefore suffered damages.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant, awarding Plaintiff:

- actual damages including, but not limited to, the emotional distress Plaintiff has suffered (and continues to suffer) as a result of the intentional, reckless, and/or negligent FDCPA violations pursuant to 15 U.S.C. § 1692k(a)(1);
- statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- two (2) times any actual damages pursuant to NRS 41.1395;
- statutory damages pursuant to NRS 598.0973 of up to \$12,500 for each and every violation of NRS 598.0973;
- punitive damages; and
- any other and further relief the Court may deem just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: January 28, 2020

Respectfully submitted,

By /s/David H. Krieger, Esq.

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